

## Division of Water Rights Revisions (SB 101)

### *Resolving Conflict / Securing a Future*

#### **What is Behind this Bill?**

The changes to statute proposed in this bill were approved unanimously by the Executive Water Issues Task Force. The bill clarifies and updates statutes related to water rights providing greater clarity on several key issues.

#### **What are the Issues?**

The following issues are addressed in the bill:

- Remove the proof requirement for fixed time applications. Utah Code Section 73-3-8(2) allows the state engineer to approve applications to appropriate for a fixed time period but currently is required to set both an application expiration and proof due date. In such cases the application expires but can be extended under certain conditions. The filing of proof and issuance of a certificate is of limited value since the right is time limited. Setting both a proof due date and fixed time expiration date is confusing the water user community and very frequently extension dates are missed because of the confusion. The solution proposed in this legislation is to remove the requirement for filing proof.
- Technical revision to 73-3-18(4) to identify all state engineer authority to set application priority dates (added reinstatement references in 73-3-5.6 and 73-3-20).
- Clarifies the amendment procedure for diligence claims. Amendments submitted after the original claim is advertised are treated like a new claim (including fee, advertising, and state engineer report) under the proposal. Amendments may only be filed by the claimant or their successor.
- Clarifies that a judge issuing a decree in a general adjudication may bar the filing of additional diligence claims and directs the state engineer to return such claims without further action.

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